



OLA QUARTERLY

**Official Newsletter of the
Office of Language Access, State of Hawai'i**
'O ka ʻōlelo ke ola - Language is Life

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Message from the Executive Director

I would like to take this opportunity to welcome our new members of the Language Access Advisory Council – Betty, Jennifer, Mary and Azi. A new year has begun and OLA is already a year and nine months old. Still taking baby steps, but keeping busy, and trying to do more with the limited resources available as a result of the economic downturn.

During the past quarter, staff did a survey of state agencies on the status of their vital documents and recently completed official monitoring visits, to find out how they are implementing their language access plans. The OLA hosted several webinars; four sponsored by the Department of Justice and the U.S. Census Bureau on LEP population data and two by the Migration Policy Institute on language access issues. The OLA also held a couple of training sessions on communications access, conducted by the Disability and Communications Access Board. Language Access Advisory Council members were featured in the PBS TV *Island Insights* forum on “Language Access and Civil Rights.” The office also completed its annual report to the Governor and the Legislature. Lastly, the survey/feasibility study on the establishment of a centralized language access resource center that was commissioned by the State Legislature was recently concluded; the report will be ready in January.

I wish everybody a happy new year and hope that 2009 will be a good one for all of us!

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The New Language Access Advisory Council Members

As a result of legislation passed during the 2008 Regular Session, the State of Hawai'i Language Access Advisory Council expanded to include residents from each of the counties and a member from the Disability and Communications Access Board (DCAB). This brings the Council membership to a total of 16 members. We would like to welcome our new members:

- Azi Turturici, *Accountant, Kauai Agency on Elderly Affairs*
- Betty Brow, *Executive Vice President, Head of International Banking Division, Bank of Hawai'i*
- Jennifer Li, *Health Care Services Coordinator, Hawai'i Muscular Dystrophy Association*
- Kristine Pagano, *Communication Access Specialist, DCAB*
- Mary Santa Maria, *Public Health Educator, Maui District Health Office, Department of Health*



LAAC Members Speak on PBS Television's *Island Insights* Program

On December 4, 2008, Jun Colmenares (OLA Executive Director), Gerald Ohta (Department of Health, Language Access Advisory Council Vice-Chairman), Suzanne Zeng (University of Hawai'i Center for Interpretation and Translation Studies, Language Access Advisory Council Member), and Pat McManaman (Hawai'i Civil Rights Commission), joined moderator, Dan Boylan, in discussing "Civil Right and Language Access." This was a very informative discussion shown live on PBS Hawaii's *Island Insights* television program.

In 2006, the State Legislature passed the Hawai'i Language Access Law HRS §§ 371-31 to 371-37, to ensure that Limited English Proficient (LEP) individuals have equal, meaningful access to state-funded services in Hawai'i. The panelists discussed their views and opinions on this law and other issues pertaining to language access. This lively conversation as well as other episodes of *Island Insights* can be viewed online at <http://www.kmeb.org/insights02.htm>.



The OLA Participates in Webinars

Over the past few months, the OLA has participated in various web-based seminars, dealing with LEP and language access issues. The first webinar series was sponsored by the U.S. Census Bureau and Department of Justice. This included three introductory sessions on the overview of key Census concepts, including the American Community Survey, geography, and available Census products. The last LEP-specific web-based seminar focused on:

- Finding language-related data
- Which languages are identified and how they are grouped
- Language tables showing predominant languages and the English proficiency of speakers

On October 16th and December 17th, the OLA as well as other state and federal agencies, joined in teleconference/webinars, "Development of Language Access Services" and "Developing Partnerships to Provide Interpreter Training and Language Referrals" respectively. These were sponsored by the Migration Policy Institute, based in Washington D.C. Featured speakers from around the nation shared their wisdom and experiences in developing language access services and creating language interpreter centers in their respective communities.

Please contact the OLA if you would like more information from these webinars.





“Vital Documents Survey” Update

Hawaii’s Language Access Law requires that each state agency and covered entity translate their vital documents that are used to access their services, program and activities. *Vital Documents* are “printed documents that provide important information necessary to access or participate in services, programs, and activities of a state agency or covered entity, including, but not limited to applications, outreach materials, and written notices of rights, denials, losses or decreases in benefits or services.” HRS § 371-32.

Along with oral interpretation, written translation of vital documents is one of the ways that the state provides language access to its services, programs and activities. HRS § 371-33(c). Written translation of vital documents is required once the threshold level of the 5% or 1,000 person LEP group is met. See HRS § 371-33(c).

A survey of vital documents was developed, discussed, and distributed to State Language Access Coordinators in July 2008. The survey was emailed to all LAC’s after the meeting, and a reminder was included in the OLA Quarterly (Issue No. 3) with a deadline of **November 3, 2008**. The purpose of the survey was twofold: (1) for monitoring purposes, this will help the OLA get a better idea of how Hawaii is progressing as it moves towards providing equal access to state services, programs and activities, at a level equal to what is provided for English proficient individuals; and (2) to assist state agencies/ state entities in taking first steps to providing written translations, by first identifying vital documents that may need to be translated.

As of December 2008, the following ten state agencies/state entities have submitted their “Vital Documents Surveys.”

1. *Department of Accounting and General Services*
2. *Department of Agriculture*
3. *Department of Commerce and Consumer Affairs*
4. *Department of Human Resources Development*
5. *Department of Human Services*
6. *Hawaii State Public Library System*
7. *House of Representatives*
8. *Office of the Governor*
9. *The Judiciary*
10. *The University of Hawai’i at Mānoa*



Feasibility Study Update



As a result of the concurrent resolution passed during the Regular Session of 2008, the OLA contracted with Dr. Frederico Magdalena of the University of Hawai’i to conduct a feasibility study to determine (1) the need for language services; (2) the cost involved in providing language services; and (3) the possibility of establishing a centralized language access resource center. The first draft of the report was submitted on December 15th and the final results of the study will be available in January 2009.



Calls & Visits to the OLA

During this reporting year, the OLA received 745 calls and/or visits from LEP individuals and agencies. Approximately 13% of them were inquiries or requests for interpreters or translators and about 86% were requests for information. The rest, except for one formal complaint, were informal complaints from LEP individuals. Most of these informal complaints dealt with Hawaii Public Housing Authority issues, e.g. non-translated eviction notice, request to bring own interpreter, and with MedQuest issues, where the LEP individual was told to call the OLA for an interpreter instead of the state agency providing the interpreter. Those calling with informal complaints were reluctant to file a formal written complaint as they simply wanted their language access need to be addressed. The only formal complaint that was made pertained to a housing eviction case where the eviction notice was not translated or an interpreter provided to orally translate the notice.

Type of Complaint	Number	%
Formal complaints	1	0.13%
Informal complaints	5	0.67%
Inquiries/Requests for information	643	86.31%
Request for interpreters/translators	96	12.89%
TOTAL	745	100%



State Agency Visits

What is the status of language access in Hawaii? During the month of October, the OLA conducted unannounced pre-monitoring state agency visits to determine if they have complied with the minimum requirement of posting signage or notices, allowing LEP individuals to identify themselves as needing interpretation or translation services. The OLA also checked if various offices, especially those with a high volume of public contact, had translated documents displayed. The results of these unannounced visits indicated that most state agencies have not posted multilingual signage in their offices and few have translated documents displayed for the clients. Agencies that did not have signage were given multilingual posters by the OLA. The visits were designed to be constructive rather than intrusive and for the most part, employees of the various state agencies were happy to receive posters and information in order to better communicate with their LEP clients.



These visits were followed by more formal site visits during the months of November and December. The OLA staff met individually with Language Access Coordinators of 17 state departments receiving federal funding. The purpose was to better understand and view the progress of the various agencies in the implementation and compliance with their language access plans. Reports on the findings of the visits along with any corresponding recommendations, will be provided to the respective state agencies in January 2009. The results will also be submitted to the Office of the Governor and the Legislature.



DCAB Training

The Disabilities and Communications Access Board (DCAB), recently conducted two training sessions on November 12 and December 11 for the OLA staff and Language Access Advisory Council members. These classes provided a general overview of the Americans with Disabilities Act (ADA) and “Communications Access”, and an in-depth understanding of the communication access requirements for people who are deaf, hard of hearing, blind, or have low vision. Charlotte Townsend and Kristine Pagano from DCAB were the respective instructors for these sessions. For more information about these and other training modules offered by the DCAB, visit their website at www.hawaii.gov/health/dcab. They can also be contacted at (808) 586-8121 (Voice or TTY) or (808) 586-8129 (Fax).

Language Access News From Other States

Did you know that language access issues make the evening news in other parts of the country? Recently, a language access complaint in Washington D.C. triggered a historic ruling against the metropolitan police department on December 18, 2008. The following is part of a press release issued by the Asian Pacific American Legal Resource Center (APALRC):

In an important step toward ensuring equal access for limited-English speakers, the Asian Pacific American Legal Resource Center announced details of one of the country's only victorious language access rulings against a law enforcement agency. The APALRC filed the District's first language access complaint against the Metropolitan Police Department (MPD). In response, the D.C. Office of Human Rights (OHR) found MPD to be noncompliant with the D.C. Language Access Act. The D.C. Language Access Act mandates that D.C. government agencies provide the public equal access to government programs, service and information, regardless of language ability, through interpretation and translation of all vital services and documents.

Last year, Mr. Jong Yeol Lee, a Korean-speaking, U.S. permanent resident and mechanic in the District of Columbia, was arrested at his home in Virginia. Law enforcement agents never informed Mr. Lee why he was being arrested, even though he asked for an explanation in Korean. He asked for a Korean-speaking interpreter several times but was never provided one. Mr. Lee was booked and placed in a detention center

cell for four and a half days, never being advised of any due process rights, including his right to counsel. He was later transferred to Washington, D.C., to the Metropolitan Police Department (MPD). Mr. Lee asked for a Korean-speaking interpreter again, but was not provided one. Fortunately, Mr. Lee was able to converse with a Korean-American guard and after several hours, the MPD discovered that Mr. Lee's arrest was a mistake. He happened to have the same name (a common name within the Korean community) of someone, who was suspected of robbing a liquor store. The MPD provided him with a document that said "Released Without Charge," which was not translated into Korean, thus he did not understand this document. After a few hours, Mr. Lee was finally able to go home.

In explaining his ordeal, Mr. Lee stated that, "The police came to my house at three o'clock in the morning and arrested me in front of my wife and son. I had no idea what was going on. While I was detained for four days, I worried about my family and how we would make a living because I earn daily wages."

Nadia Firozvi, APALRC Staff Attorney who filed the complaint on behalf of Mr. Lee, said, "Denial of language access prevents individuals from accessing services they are entitled to. In this instance, non-compliance with the Language Access Act led to not only inaccessibility of services, but also a prolonged and unnecessary deprivation of liberty for Mr. Lee."



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Schedule of 2009 Language Access Coordinators' Meetings

The OLA will continue to meet with Language Access Coordinators on the following dates (Wednesdays) from 10:00 a.m. to 12:00 p.m., DLIR Rooms 310-314, unless otherwise noted:

- February 25
- April 15
- June 3
- July 22
- September 10 (Thursday)
- October 28
- December 16



Language Portal: A Translation and Interpretation Digital Library



✓ The *Language Portal* is a digital library of nearly 600 resources relating to the use of language services in social services and public safety agencies. This was created to provide a "one-stop shop" for local government administrators, policymakers, and others who are looking for ways to provide high-quality and cost-effective translation and interpretation services. Visit www.migrationpolicy.org/languageportal for more information and details.

Dates to Remember

	January 5, 2009	"Survey of State Public Contact Positions" deadline (state agencies submit electronically to the OLA)	
	January 14, 2009	Language Access Advisory Council Meeting, DLIR, Room 320, 9 A.M.—10:30 A.M.	
	January 21, 2009	Opening Day of the 2009 Legislative Session	
	February 11, 2009	Language Access Advisory Council Meeting, DLIR, Room 320, 9 A.M.—10:30 A.M.	
	February 15, 2009	Initial Reporting Tool deadline (state agencies submit electronically to the OLA)	